

OCT 27 2006

Serial No. 10/674,515
Reply to Office Action dated July 27, 2006

Docket No. 3655/0302PUS1**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-5, 7-12, and 14 are pending in the application.

35 U.S.C. § 102 & 103 Rejections

Claims 1-5, 7-12, and 14 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Navarro (U.S. Patent Pub. No. 2003/0143974) in view of Eaton (U.S. Patent No. 6,888,811). Applicant respectfully submits the Examiner has failed to establish a prima facie case of obviousness and traverses the rejection.

Navarro merely teaches that an emergency message may be generated and transmitted to all mobile stations in an affected area. The emergency message may warn of imminent danger, such as hazardous weather reports generated by the National Weather Service. The emergency message is received by a wireless communication system that determines the geographic region affected by the message. The wireless communication system then transmits the message to all mobile stations within the affected region. The mobile stations alert the user to the emergency message and displays the message to the user (Abstract).

However, as admitted by the Examiner, Navarro fails to teach or suggest, at least "determining ... that the user is a member of a class intended to receive said alert," as recited in claims 1 and 8.

The Examiner attempts to cure this deficiency by combining the teachings of Navarro with Eaton.

Serial No. 10/674,515
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Docket No. 3655/0302PUS1

Applicants submit Eaton merely teaches a portable device (100) which communicates with a short range wireless local area network (114) and a wide area communication system (116). The portable device (100) receives location data from the short range wireless local area network (114). The portable device (100) generates a location sensitive information request to the wide area communication system (116) including the location data received from the short range wireless local area network (114) (See Abstract).

Specifically, Eaton teaches a process utilizing interactions between the short range WLAN 114 and the portable device 100. The process begins with Step 160 wherein a plurality of location data is stored in the SNAP location information memory 146 of the smart network access point 130. The plurality of location data can be obtained by the smart network access point 130 for example by the SNAP processor 144 of the smart network access point 130 calculating the location position utilizing a plurality of GPS signals broadcast from a GPS system.

In Step 162, the portable device 100 detects the presence of the smart network access point 130. Next, in Step 164, the portable device 100 identifies itself to the smart network access point 130 as a member of a class of devices having wide area communication capabilities. For example, the portable device 100 identifies itself as having the capability to communicate within the wide area communication system 116. In Step 166, the portable device 100 starts the discovery operation using the discovery routine stored in the discovery routine memory 124 of the portable device 100. Next, in Step 168, the process determines whether the portable device 100 is allowed on the short range WLAN 114. When the portable device 100 is not allowed on the short range WLAN 114, the process stops. Alternatively, when the portable device 100 is allowed

OCT 27 2006

Serial No. 10/674,515

Docket No. 3655/0302PUS1Reply to Office Action dated July 27, 2006

on the short range WLAN 114, the process moves to Step 170 wherein the smart network access point 130 sends location data to the portable device 100 during the discovery operation. Next, in Step 172, the portable device 100 stores the location data received in Step 170 in the location information memory 120 of the portable device 100. Next, in Step 174, the portable device 100 requests location sensitive information. Next, in Step 176, the process determines whether the portable device 100 is in the range of the smart network access point 130 from which the location data was received. When the portable device 100 is in the range of the smart network access point 130 from which the location data was received, the process moves to Step 178 wherein the portable device 100 transmits a location sensitive information request via the wide area wireless transceiver 104 to the wide area communication system 116. The process then stops. When the portable device 100 is not in the range of the smart network access point 130 from which the location data was received, the process moves to Step 180 wherein the location stored in the location information memory 120 is shown to the user of the portable device 100. The process then moves to Step 182 wherein it is determined whether the location shown is acceptable to the user. When the location shown is not acceptable to the user, in Step 183, the user can manually enter a current location. Next, in Step 178 the portable device 100 transmits a location sensitive information request via the wide area wireless transceiver 104 to the wide area communication system 116. The process then stops. When the location shown is acceptable to the user in Step 182, the process moves to Step 178 wherein the portable device 100 transmits a location sensitive information request via the wide area wireless transceiver 104 to the wide area communication system 116. The process then stops. (See col. 12, lines 18-65.)

OCT 27 2006

Serial No. 10/674,515
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Docket No. 3655/0302PUS1

Applicants therefore submit that Eaton fails to teach "determining ... that the user is a member of a class intended to receive said alert," as recited in claims 1 and 8 (emphasis added).

Eaton is at least distinguished by the above quoted recitation in that Eaton merely teaches that the portable device identifies itself to the smart network access point as a member of a class of devices having wide area communication capabilities.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of independent claims 1 and 8.

Further, the dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

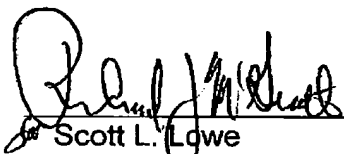
OCT 27 2006

Serial No. 10/674,515

Docket No. 3655/0302PUS1Reply to Office Action dated July 27, 2006Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-1602 and please credit any excess fees to such deposit account.

Respectfully submitted,



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Date: **October 27, 2006**